

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB409)

Received: **10/06/2005**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Terry Moulton (608) 266-9172**

By/Representing: **Matthew Seaholm**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Moulton@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes in penalties for trespass violations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mglass 10/19/2005	lkunkel 10/19/2005	pgreensl 10/19/2005	_____	lnorthro 10/19/2005	lnorthro 10/19/2005	
/2	mglass 10/20/2005	lkunkel 10/20/2005	pgreensl 10/20/2005	_____	lnorthro 10/20/2005	lnorthro 10/20/2005	

FE Sent For:

<END>

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FE Sent For:

/2/mk10/20

PG
10/20/05
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No specific pre topic given

Topic:

Changes in penalties for trespass violations ✓ *per Randy Stark DNR*

Instructions: *no prior trespass/no crim violation involved → 1yr*
either prior trespass or criminal violation involved
both occur → 5year

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/?	mglass						
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11/mk 10/19

10/14

10/15

10/15

FE Sent For:

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa1123/2 1

MGG:.....

lmk

DN

Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 409

LPS: PLS
check
spacing

✓

1 At the locations indicated, amend the bill as follows:

2 1. Page 10, line 14: after that line insert:

3 "SECTION 21g. 943.13 (1) (am) of the statutes is created to read:

4 943.13 (1) (am) "Fish and game approvals and privileges" means all approvals,
5 licenses, and privileges issued or granted under ch. 29 and all licenses and privileges
6 issued or granted under ch. 169 that relate to hunting or trapping. ✓

7 SECTION 21m. 943.13 (1) (cm) of the statutes is created to read:

8 943.13 (1) (cm) "Natural resource activity" means an activity regulated under
9 ch. 23, 26, 27, 28, 29, 169, or 350." ✓

10 2. Page 10, line 19: delete the material beginning with that line and ending
11 page 10, line 11 and substitute:

1 (bg) If a person is found to have violated this section while engaged in an a
2 natural resources activity, the court may revoke or suspend any or all fish and game
3 approvals and privileges that have been or may be issued or granted to the person
4 for a period of not more than one year from the date of the finding if all of the
5 following apply:

6 1. The person has never previously been found to have violated this section. ✓

7 2. The person is not convicted of a crime in conjunction with this violation of
8 this section. e, current

9 (br) If a person is found to have violated this section while engaged in a natural
10 resources activity, the court may revoke or suspend any or all fish and game
11 approvals and privileges that have been or may be issued or granted to the person
12 for a period of not more than 3 years from the date of the finding if either, but not both,
13 of the following applies:

14 1. The person has previously been found to have violated this section. ✓

15 2. The person is convicted of a crime in conjunction with this violation of this
16 section. e, current

17 (cm) If a person is found to have violated this section while engaged in a natural
18 resources activity, the court shall revoke or suspend all fish and game approvals and
19 privileges that have been or that may be issued or granted to the person for a period
20 of 5 years from the date of the finding if all of the following apply: ✓

21 1. The person has previously been found to have violated this section. ✓

22 2. The person is convicted of a crime in conjunction with this violation of this
23 section." ✓ e, current

24 (END)

(dn)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1123/dn

MGG:.....

mk

(date)

Please review this amendment carefully to ensure that it complies with your intent. ✓
Please note the following:

1. There is no time limit as to prior trespass violations. ✓ For example, if a person had a trespass violation 20 years ago it will still be taken into account. OK? ✓

2. I have drafted this amendment so that the provisions under s. 943.13 (3g) (bg) and (br) set a maximum of one year and three years respectively, but the provision under s. 943.13 (3g) (cm) sets the time at 5 years without giving the court any flexibility. ✓ I did this because in the bill itself the one-year provision is set at a maximum but the 5-year provision was not. OK? ✓

3. I have drafted this amendment so that s. ^{943.13(3g)(bg) and (br)} authorizes the court to revoke or suspend approvals and privileges; but s. 943.13 (3g) (cm) requires that the court act. ✓ Again, I did this to be consistent with the bill. OK? ✓ *

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1123/1dn
MGG:lmk:pg

October 19, 2005

Please review this amendment carefully to ensure that it complies with your intent. Please note the following:

1. There is no time limit as to prior trespass violations. For example, if a person had a trespass violation 20 years ago it will still be taken into account. OK?
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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa1123/1 2

MGG:lmk:pg

TODAY

keep

ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 409

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7 **SECTION 21m.** 943.13 (1) (cm) of the statutes is created to read:

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9 ch. 23, 26, 27, 28, 29, 169, or 350."

10 **2.** Page 10, line 19: delete the material beginning with that line and ending
11 page 11, line 10, and substitute:

12 "(bg) If a person is found to have violated this section while engaged in a natural
13 resource activity, the court may revoke or suspend any or all fish and game approvals

1 and privileges that have been or may be issued or granted to the person for a period
2 of not more than one year from the date of the finding if all of the following apply:

3 1. The person has ~~never previously~~ ^{not} been found to have violated this section.

4 2. The person is not convicted of a crime in conjunction with the current
5 violation of this section. ^{keep}

6 (br) If a person is found to have violated this section while engaged in a natural
7 resource activity, the court may revoke or suspend any or all fish and game approvals
8 and privileges that have been or may be issued or granted to the person for a period
9 of not more than 3 years from the date of the finding if either, but not both, of the
10 following applies:

11 1. The person has ~~previously~~ been found to have violated this section.

12 2. The person is convicted of a crime in conjunction with the current violation
13 of this section. ^{keep}

14 (cm) If a person is found to have violated this section while engaged in a natural
15 resource activity, the court shall revoke or suspend all fish and game approvals and
16 privileges that have been or that may be issued or granted to the person for a period
17 of 5 years from the date of the finding if all of the following apply:

18 1. The person has ~~previously~~ been found to have violated this section.

19 2. The person is convicted of a crime in conjunction with the current violation
20 of this section. ^{keep}

21 (END)

the current

Use 3x ↓

within the last last
within the 10 years preceding the
date of the current violation